

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80126 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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VISHAL KUMAR S/O SANJAY MAHTO @ SANJAY KUMAR MAHTO
R/O MOHALLA- AZAM NAGAR (LICHHIWARA), P.S- L.N.M.
UNIVERSITY, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad, Adv.

For the Opposite Party/s : Mr.Rajendra Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in L.N.M.
University P.S. Case No. 233 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

3. Altogether 1.95 litres of foreign liquor has been
recovered from the house of petitioner. One person fled away
from the spot.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has no concern either with the seized liquor or place of recovery
or any trade of liquor. The allegation levelled against the



petitioner is totally false and based on concocted facts. He was not apprehended on the spot. He had not consumed liquor. No incriminating article has been recovered either from the conscious physical possession of the petitioner or his house rather the alleged recovery was made near the public road, but only on suspicion, he has been made accused in the present case. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent, as mentioned in para 3 of the bail application.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of case, as the illicit liquor has been recovered from the house of petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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